

What kinds of sentence (disposition) may be imposed?

As a disposition, the Juvenile Court's order may include, but is not limited to, the following:

- * Probation under supervision of a probation officer
- * Monitoring to verify compliance with court orders
- * Electronic Home Monitoring
- * Removal from the family home to a correctional placement
- * Pay restitution to the victim or to a victim fund
- * Apologize to the victim
- * Perform community work service
- * Pay a fine
- * Complete a chemical use assessment and follow the recommendations including treatment
- * Complete a psychological evaluation
- * Attend school
- * Complete special classes or programs
- * Learn new skills
- * Other Court ordered sanctions

If the juvenile violates the Juvenile Court order, the juvenile may be required to appear in court and more severe consequences may be imposed.



What happens if the juvenile pleads not guilty?

If the juvenile pleads not guilty, the Court will schedule another court hearing date. This is called a pre-trial hearing. At this hearing, the County Attorney and defense attorney meet to try to negotiate a settlement and other legal issues concerning the case will be addressed. If no agreement can be reached, a trial date will be set.

At a trial, the juvenile is presumed innocent until proven guilty. The County Attorney must prove that the juvenile is guilty beyond a reasonable doubt. The County Attorney will present evidence to the Court that may include witness testimony. Most juvenile hearings are trials to the Judge and not a jury with the Judge making the final determination of guilty or not guilty. Juveniles prosecuted under the extended jurisdiction statute are entitled to a jury trial. Juvenile Court is closed to the public unless the juvenile is charged with a felony and was at least 16 years old at the time of the offense.

Parental Liability

Under Minnesota law, a parent or guardian of a juvenile may be responsible for injuries or damages caused by the juvenile up to \$1,000. Also, Minnesota law requires the child, parents or guardian of a child to contribute, under established fee schedules, to the cost of care, examination or treatment of the child as ordered by the Court.

Dakota County Attorney's Office

(651) 438-4438

Dakota County Community Corrections

(651) 438-8288

Dakota County Juvenile Services Center

(Detention Center)
(651) 438-4952

Dakota County Juvenile Court

(651) 438-8200

Juvenile Arrest and Prosecution:

Information You Need To Know



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You have received a phone call that your minor child has been arrested. Where do you go from here? Dakota County Attorney James Backstrom, along with Dakota County Community Corrections, has designed this brochure to provide parents and juveniles with information that may be useful as you go through the Juvenile Justice System.

Rights of a Juvenile and Parent(s)/Guardian Regarding Court

1. You have the right to receive notice of the charges and at least 24 hours advance notice of any court hearings.
2. You have the right to know where your child is being detained.
3. The juvenile may have the right to a court-appointed attorney (public defender) depending on the seriousness of the charge(s) and financial ability to hire a privately-retained attorney.
4. You have the right to see the court records regarding the case, including the petition (charging document).
5. The juvenile has the right to a trial, to present evidence, and to cross-examine those who testify against the juvenile.
6. The juvenile and parents or guardians have the right to be present at all court proceedings in the case.

Arrest

Law enforcement officers may take a juvenile into custody when they suspect that he/she has committed a crime. Depending on the circumstances of the crime, the juvenile may be released to a parent, detained in a non-secure shelter or detained in a locked detention facility. Law enforcement officers will notify the parents or guardian of the specific information concerning the youth's arrest and detention. The investigating law enforcement agency, prepares a report and files it with the Dakota County Attorney's Office to consider the filing of formal charges. Law enforcement officers have the authority to directly charge juveniles with misdemeanors by citation (issuing a ticket) which will require an appearance in Juvenile Court.

The County Attorney

The Dakota County Attorney is responsible for prosecuting all juveniles (10-17 years of age) charged with crimes in Dakota County. The County Attorney assigns assistants to handle all aspects of juvenile prosecution. Once a police report is received, it is reviewed to determine which charges are appropriate, if any.

Diversion

A juvenile who is a first time offender who faces charges in a property offense, an alcohol or marijuana offense or a tobacco offense, may be eligible to participate in a diversion program. To be eligible, the child must admit to committing the crime and meet the criteria of the diversion program. Participation is voluntary and left to the decision of the parent(s) and juvenile. The diversion program consists of an educational program and restitution to the victim, if any. If the juvenile successfully completes the diversion program, no court appearance will be required and the offense will not go on the juvenile's court record.

If the juvenile fails diversion, is not eligible for diversion or if the alleged offense is more serious, the juvenile and the parent(s) are required to appear in Juvenile Court to answer to the charges.

Extended Jurisdiction or Prosecution as an Adult

Some juveniles who are 14 years of age or older and who are charged with more serious offenses may be prosecuted under Minnesota's extended jurisdiction law. If the youth is convicted, this law extends the jurisdiction of the Juvenile Court over the youth until age 21 and also results in an adult sentence being imposed which is initially stayed (not imposed). If the juvenile violates the terms of the Juvenile Court disposition or commits a new crime, a Judge may impose this adult sentence. Some juveniles charged with more serious crimes may also be prosecuted in adult court. If so, adult court procedures apply and an adult sentence would be imposed if the juvenile is convicted.

Public Defender/Attorney

The public defender is a court-appointed attorney. Depending on the seriousness of the crime and available financial resources, the juvenile may have the right to a public defender. The juvenile also has the right to be represented by a privately-retained attorney.

Community Corrections

The Community Corrections Department has numerous functions in the Juvenile Justice System. They make recommendations to the Court regarding what sentence (disposition) should be given by the Judge. If the juvenile is placed on probation, Community Corrections will determine how closely to supervise the juvenile and will assign either a probation officer or the monitoring unit to supervise the juvenile. Community Corrections works with the juvenile and the parents to address the behavior of the juvenile, provide opportunities for the juvenile to learn new skills and make changes, and help the juvenile become involved in positive activities in the community.

The Juvenile Court

At the first hearing, the juvenile, parents, defense attorney and County Attorney will meet before the Judge. The Judge will ask the County Attorney to state the charges against the juvenile. The juvenile will then be given the opportunity to either plead guilty or not guilty (admit or deny). If the juvenile is charged with a felony, photographs and fingerprints will be taken following the initial hearing if not taken at the time of arrest. In most juvenile court cases, the Juvenile Court's jurisdiction over the convicted offenders ends when the juvenile reaches the age of 19.

What happens if the juvenile pleads guilty (admits)?

The Judge may impose a sentence (disposition) immediately or order a study to be done in which case the sentencing would occur at a later hearing. The County Attorney, defense attorney, Community Corrections Department, parents and victim may express their recommendations to the Court prior to sentencing.